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JUN 24 2005

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In re Application of: Dov Moran
Application No. 10/084,226
Attorney Docket No. M01/23
Filed: February 28, 2002
For: DEVICE, SYSTEM AND METHOD
FOR DATA EXCHANGE

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This is a decision on the petition, filed March 23, 2005, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. The instant application was effectively held abandoned for failure to timely respond to the final Office action mailed September 16, 2004. The three-month statutory period for response expired on December 16, 2004. A notice of abandonment has not yet been mailed.

According to the MPEP §711.03(c), the showing required to establish non-receipt of an Office action includes the following:

- 1) *a statement from practitioner that the Office action was not received,*
- 2) *a statement from practitioner that the file jacket and docket records were searched,*
- 3) *a copy of the docket record at the address of record, and*
- 4) *a reference to the docket record in the practitioner's statement.*

In support of the petition, applicants' representative provides a Declaration from Mr. Bill Polkinghorn at the address of record, indicating that all the mail he receives from the USPTO, was personally packaged by him and forwarded by courier to Dr. Mark Friedman at his Tel Aviv address. In addition, Petitioner provides a statement that the final Office action was not received and that a search of the file jacket and docket records has been performed. Petitioner has also submitted a copy of the docket record as well as a reference to the docket record in practitioner's statement.

Petitioner has established non-receipt of the Office action according to the requirements set forth above. Accordingly, the petition is **GRANTED**.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the holding of abandonment, before redating and remailing the Final Office Action to the applicant.

Brian L. Johnson
Special Programs Examiner
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Computer Architecture, Software, and Information Security

6/22/05